

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0236

ZAP DATE(S): April 17, 2007

COUNCIL DATE(S): May 17, 2007

ADDRESS: 13201 Pond Springs Road

OWNER/APPLICANT: Priesmeyer Family LP (Victoria Priesmeyer)

AGENT: Vincent Gerard and Associates, Inc. (Vincent Huebinger)

ZONING FROM: I-RR

TO: Tract 1: GR
Tract 2: CS-1

AREA: 1.767 acres

0.206 acres (8,971 sq. ft.)

Total: 1.973 acres

SUMMARY STAFF RECOMMENDATION:

Staff's recommendation is to grant

- GR-CO, Community Commercial-Conditional Overlay District, zoning for Tract 1 and
- CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning for Tract 2 (two suites totaling 8,971 sq. ft. within the existing shopping center).

The conditional overlay would limit the entire site to uses that generate no more than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing of any type on the property.

ZONING & PLATTING COMMISSION RECOMMENDATION:

April 17, 2007: Approved Staff's recommendation with the addition of Pawn Shops as a prohibited use (7-0, Commissioners Jackson and Hammond absent).

DEPARTMENT COMMENTS:

The subject property is immediately adjacent to a zoning case that was recently approved by the City Council on April 17, 2007. That approved case was Pond Springs Plaza, case C14-06-0157. That case also involved an existing shopping center with an existing cocktail lounge use (Shenanigan's Nightclub). *This is a different zoning case.*

The subject property is currently developed with a commercial retail center that was recently annexed by the City of Austin (Annexation Case: C7A-05-014). The existing shopping center contains

- A billiard parlor (Bum's Billiard's)
- Liquor sales (Jonnie's Liquor)
- Personal services (Hair Fashions hair salon, Clothing Care Cleaners, Kwik Wash Laundry)
- Restaurants (considered restaurant (limited) uses) (Egg Roll Express and Domino's Pizza)
- A service station and convenience store (Shell).

The applicant is requesting permanent zoning to bring all but one of the existing uses into conformance with the City of Austin Land Development Code. The Clothing Care Cleaners business actually requires General Commercial Services (CS) zoning since dry cleaning occurs onsite. However that use may continue as a legal nonconforming use since it was in operation before annexation.

The Staff is recommending GR-CO for Tract 1 and CS-1-CO for Tract 2. This is similar to the recommendation offered for the adjacent and now-approved zoning case, Pond Springs Plaza.

The proposed GR-CO zoning and CS-1-CO zoning footprint will be compatible and consistent with the surrounding uses because there is currently commercial zoning and commercial and industrial uses

C14-06-0236, 13201 Pond Springs Road

located to the north and east of this tract of land. The proposed GR-CO zoning for Tract 1 will permit the existing restaurants, personal services and service station; and allow the dry cleaning use to continue as a legal nonconforming use. The proposed CS-1-CO zoning for Tract 2 will permit the continuation of the billiard parlor (an expansion of the use will require a conditional use permit, which is required for a cocktail lounge use) and liquor store. This recommendation for permanent zoning will allow the existing land uses on the site, save for the dry cleaning operation, to come into conformance with the City of Austin Land Development Code. GR-CO zoning and CS-1-CO zoning are appropriate for this location because the property meets the intent of the GR and CS-1 districts as it fronts onto an arterial roadway and will provide services to the residential areas to the north and west.

No opposition to this case has been communicated to Staff. A representative of the nearby neighbors who were concerned with the other Pond Springs Plaza zoning case has told Staff that he has no objection to this request. No other neighbors have called or written to communicate any comments.

The applicant is in agreement with the Staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Commercial Retail Center (Bum's Billiard's, Jonnie's Liquor, Hair Fashions, Clothing Care Cleaners, Kwik Wash Laundry, Egg Roll Express, Domino's Pizza, Shell service station and convenience store)
<i>North</i>	County	Townhouses, Duplexes
<i>South</i>	I-RR, CS-CO	Office/Industrial/Warehouse uses(Roxie Drive Business Park- All Star Heating & Air, Bartz Paint & Drywall, Legacy Custom Decks, Hammerhead Bikes, Capital Screen, Centex Electric, Inc., Triumph Graphic Supply, Flynn Company, Maluski Woodworking, Texas Solar Source), Monument Sales use(Southwest Marble & Granite Works)
<i>East</i>	I-RR	Day Vacant building
<i>West</i>	I-RR	Commercial Retail Center (Jardin Corona Mexican Restaurant, Alterations/Cleaners, Q Fashions, Family Clips Beauty and Barber Shop, Shenanigan's Night Club, Professional Real Estate Delivery Services, Courtney's Catering, Super Nails, Skin & Beyond, Just Between Us Resale)

AREA STUDY: N/A

TIA: Waived because applicant agreed to limit development of the property to uses that generate no more than 2,000 vehicle trips per day. (LDC, 25-6-117)

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS: N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0107	I-SF-2 to LI	6/20/06: Approved staff's recommendation for LI-CO	7/27/06: Approved LI-CO district zoning (7-0);

		zoning by consent (7-0, J. Gohil, S. Hale – absent)	all 3 readings
C14-05-0143	I-RR to Tract 1: GR, Tract 2: CS-1	9/20/05: Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05: Approved GR- CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dias); all 3 readings
C14-04-0157	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning by consent (9-0)	12/02/04: Approved CS- CO (7-0); all 3 readings
C14-03-0169	I-SF-2 to CS-CO	12/16/03: Approved staff's recommendation for CS- CO by consent (8-0, C. Hammond-absent)	1/15/04: Approved PC rec. of CS-CO by consent (6-0, McCracken-off dias); all 3 readings
C14-02-0159	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR- CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel- Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-02-0158	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR- CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive

			Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-01-0163	I-RR to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning, adding a condition prohibiting vehicle storage (6-0, A. Adams, V. Aldridge-Left Early)	1/17/02: Approved CS-CO on 3 readings (6-0, Wynn out of room)
C14-01-0111	I-RR, SF-2 to GR	11/27/01: Approved staff rec. of GR by consent (8-0)	1/10/02: Postponed to 1/31/02 at the request of the applicant (7-0) 1/31/02: Approved GR on all 3 readings (6-0, Goodman-off dias)
C14-01-0074	I-RR to LI	6/19/01: Approved staff's alternate recommendation of CS-CO district zoning, with CO limiting the site to 2,000 vtpd, by consent (7-1, Cravey-Nay, Garza-Absent)	7/19/01: Approved CS-CO, all 3 readings
C14-99-2036	I-RR to GR	10/5/99: Approved GR-CO (7-1, RC-Nay) w/ only permitted GR use being a car wash and prohibiting the following uses: Automotive Rental, Automotive Repair Services, Automotive Sales, Business Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services,	11/4/99: Approved GR-CO (6-0); all 3 readings

		Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (General), Theater, Hospital Services (General), Off-Site Accessory Parking	
C14-98-0238	I-RR to CS	2/2/99: Approved staff alternate rec. of CS-CO, limiting the site to 2,000 vtpd (8-0)	3/4/99: Approved CS-CO (7-0); all 3 readings
C14-98-0229	I-SF-2 to GR	1/19/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd	2/25/99: Approved PC rec. of GR-CO (7-0); all 3 readings
C14-98-0201	I-SF-2 to LI	12/8/98: Approved LI by consent (8-0)	1/7/99: Approved LI-CO w/ condition of 2,000 vehicle trips per day limit (7-0); all 3 readings
C14-98-0199		1/12/99: Approved GR-CO zoning, limiting the site to 2,000 vtpd	2/11/99: Approved PC rec. of GR-CO (5-0); all 3 readings
C14-98-0198	I-RR to GR	1/19/99: Approved staff rec. of GR-CO zoning, limiting the site to 2,000 vtpd (9-0)	2/25/99: Approved PC rec. of GR-CO (7-0), all 3 readings
C14-98-0167	I-SF-2 to CS	11/17/98: Approved staff alternate rec. of CS-CO, w/ 2,000 vehicle trips per day limit, by consent (9-0)	1/21/99: Approved CS-CO w/ conditions (7-0); all 3 readings
C14-98-0152	I-RR to CS	11/10/98: Approved staff alternate rec. of CS-CO, prohibiting adult oriented businesses, by consent (8-0)	12/10/98: Approved CS-CO, with CO limiting the site to 2,000 vtpd (7-0, 1 st) 2/25/99: Approved CS-CO (7-0, 2 nd / 3 rd)
C14-98-0099	I-RR to CS	8/18/98: Approved CS-CO, w/ 2,000 vehicle trips per day limit, by consent (7-0)	10/8/98: Approved PC rec. of CS-CO w/ conditions (6-0); 1 st reading 12/10/98: Approved CS-

			CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0097	I-RR to CS	8/18/98: Approved CS-CO, w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS- CO with conditions (7-0); 2 nd / 3 rd readings
C14-98-0096	I-SF-2 to LI-CO	8/18/98: Approved CS-CO w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 st reading 12/10/98: Approved CS- CO w/ conditions (7-0); 2 nd / 3 rd readings
C14-98-0036	I-SF-2 to LI-CO	4/14/98: Approved LI-CO w/ conditions of 2,000 vehicle trips per day limit, prohibiting Agricultural Sales and Service, Automotive Repair Services, Construction Sales and Services, Equipment Sales, Equipment Repair Services, Scrap and Salvage, Vehicle Storage, Basic Industry, Recycling Center, Resource Extraction, and Railroad Facilities (8-0)	5/14/98: Approved PC rec. of LI-CO w/ conditions (5-0); 1 st reading 1/21/99: Approved LI- CO w/ conditions (7-0); 2 nd / 3 rd readings

RELATED CASES: C7A-05-014 (Annexation Case)

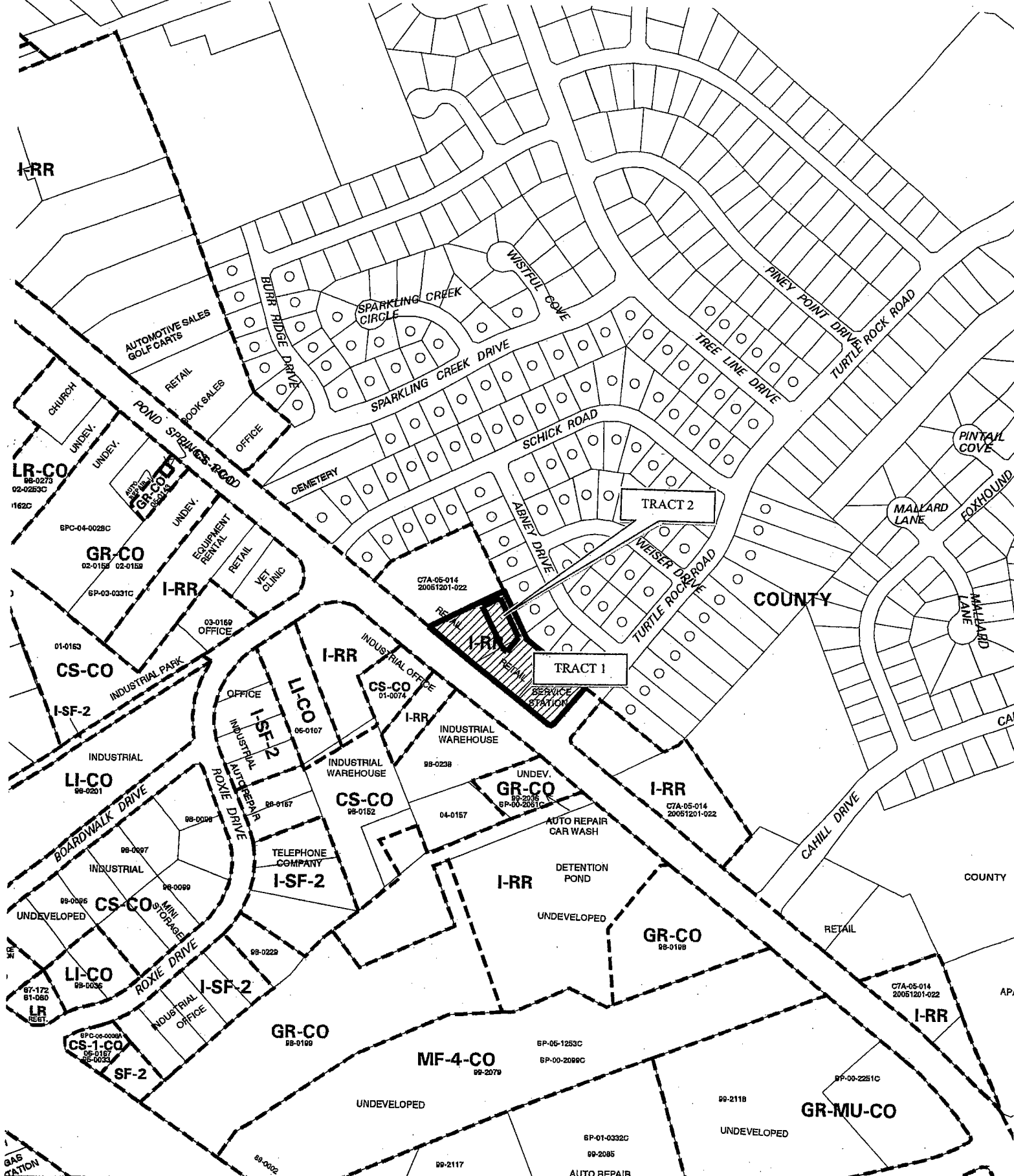
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Pond Springs Rd	97'	43'	Minor Arterial	No	No	No
Turtle Rock Rd	70'	44'	Collector	No	No	No

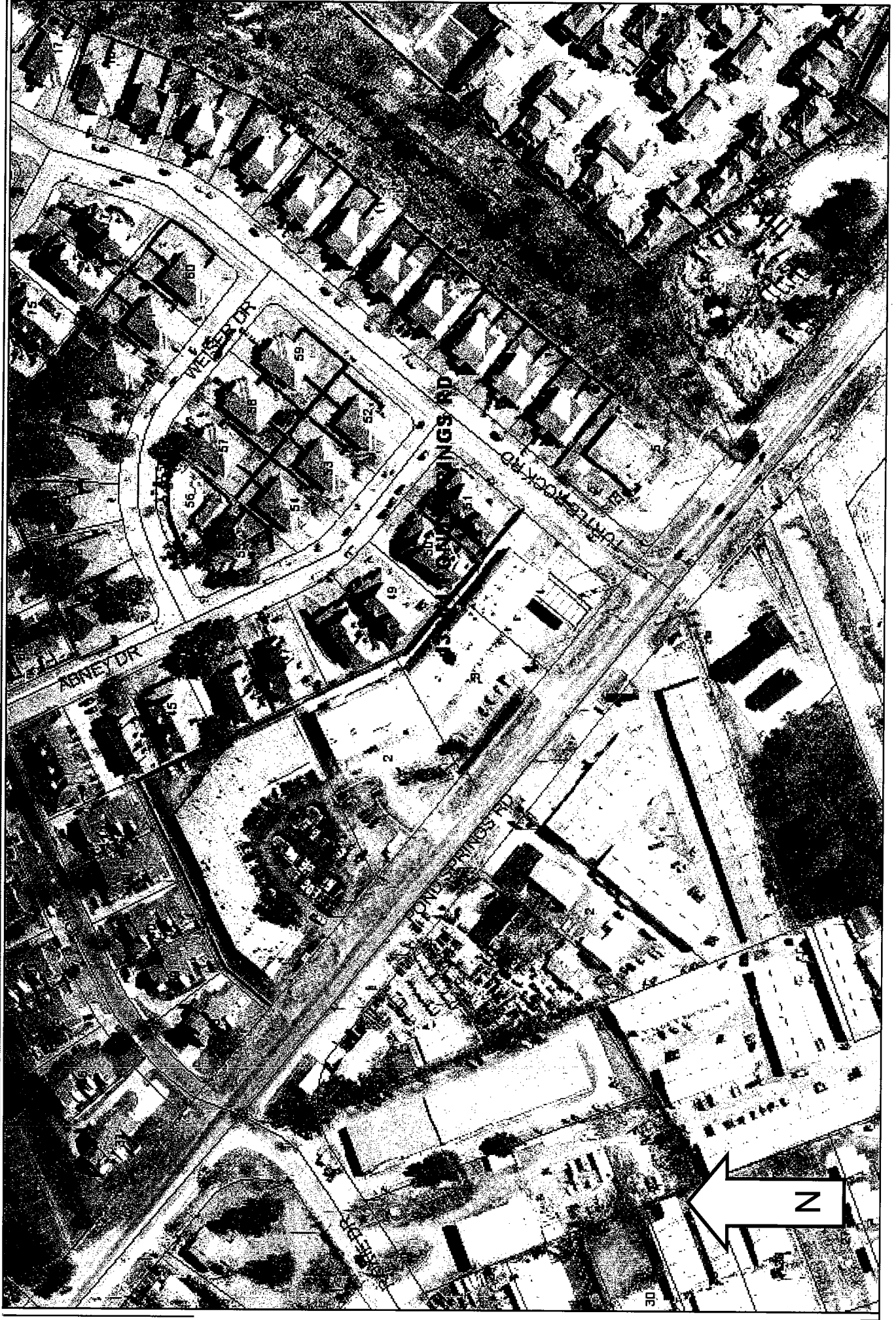
ORDINANCE READINGS:

1st - 3rd – Proposed for all 3 readings on May 17, 2007

CASE MANAGER: Tina Bui, 974-2755, tina.bui@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT	 	ZONING		CITY GRID REFERENCE NUMBER G37
	PENDING CASE		CASE #: C14-06-0236	DATE: 07-04	
	ZONING BOUNDARY		ADDRESS: 13201 POND SPRINGS RD	INTLS: SM	
	CASE MGR: T. BUI		SUBJECT AREA (acres): 1.973		



STAFF RECOMMENDATION

Staff's recommendation is to grant

- GR-CO, Community Commercial-Conditional Overlay District, zoning for Tract 1 and
- CS-1-CO, Commercial-Liquor Sales-Conditional Overlay District, zoning for Tract 2 (two suites totaling 8,971 sq. ft. within the existing shopping center).

The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing of any type on the property.

BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought.

"Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways."

GR-CO zoning is appropriate for this location because the property meets the intent of the GR district as it fronts onto an arterial roadway and provides services to the residential areas to the north and west.

"The Commercial-Liquor Sales (CS-1) district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments."

CS-1 zoning is appropriate for a footprint within this existing shopping center because the property in question fronts onto and will take access from an arterial roadway, Pond Springs Road.

2. The proposed zoning should promote consistency and orderly planning.

The proposed GR-CO zoning and CS-1-CO zoning footprint will be compatible and consistent with the surrounding uses because there is currently commercial zoning to the south and east of this tract of land.

3. Zoning should allow for reasonable use of the property.

The proposed GR-CO zoning for Tract 1 will permit the existing restaurants, personal services and service station. The proposed CS-1-CO zoning for Tract 2 will permit the continuation of the billiard parlor (an expansion of the use will require a conditional use permit, which is required for a cocktail lounge use) and liquor store. This recommendation for permanent zoning will allow the existing land uses on the site, save for the dry cleaning operation, to come into conformance with the City of Austin Land Development Code.

EXISTING CONDITIONS

Site Characteristics

The property in question is currently developed with a commercial retail center that currently contains

- A billiard parlor (Bum's Billiard's)
- Liquor sales (Jonnie's Liquor)
- Personal services (Hair Fashions hair salon, Clothing Care Cleaners, Kwik Wash Laundry)
- Restaurants (considered restaurant (limited) uses) (Egg Roll Express and Domino's Pizza)
- A service station and convenience store (Shell).

There are townhouse and duplex uses to the north, commercial and industrial uses across Pond Springs Road to the south, a vacant building across Turtle Rock Road to the east, and another commercial retail center with a service station to the west.

Impervious Cover

The maximum impervious cover allowed in the GR zoning district is 90% and in the CS-1 zoning district, it is 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Environmental

This site is currently developed.

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all future development and/or redevelopment.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all future development and/or redevelopment.

At this time, the site is developed, so there are no known significant environmental features.

Under current watershed regulations, future development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species, in conjunction with future subdivision and/or site plan process.

Transportation

The trip generation under the requested zoning is estimated to be 2,999 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis has been waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. (LDC, 25-6-117)

No additional right-of-way is needed at this time.

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Pond Springs Rd	97'	43'	Minor Arterial	No	No	No
Turtle Rock Rd	70'	44'	Collector	No	No	No

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustments, or utility relocation are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria. The utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Compatibility Standards

The site is currently developed. Should redevelopment occur to the extent that current Code must be met, the following comments would apply.

Although this site abuts residential property to the Northeast, that property is not within City limits. Therefore, compatibility standards do not apply to the rear property line.

Compatibility standards do apply to the Southeast property line, which is across the street from I-RR zoning.

The site is subject to compatibility standards. Along the Southeast property line, the following standards apply:

- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. Additional design regulations will be enforced at the time a site plan is submitted.
- g. For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet more restrictive.
cluding a swimming pool, tennis court, ball court, or
playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- i. A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.